

SHELBY COUNTY DIVISION OF PUBLIC WORKS

FIRE FEE RULES & REGULATIONS

A. Introduction

The Shelby County Fire Department operates under the authorization contained in Tennessee Code Annotated (“T.C.A.”) Sections 5-16-101, et seq. T.C.A. § 5-16-101 governs Shelby County’s authority to establish and operate urban type public facilities, including, but not limited to, “fire protection and emergency medical services.” Pursuant thereto, Shelby County established the Shelby County Fire Department by resolution adopted in 1972 by the Shelby County Board of Commissioners.

The Shelby County Fire Department provides fire protection and emergency medical services to Unincorporated Shelby County and Lakeland. Further, emergency medical services are made available by the Shelby County Fire Department for the Cities of Arlington, Germantown, Collierville, and Millington. The providing of fire protection and emergency medical services is funded by fire fees set by the Division of Public Works for the Shelby County Administration as authorized by T.C.A. § 5-16-109(a) which requires the fire fee be determined and charged “upon a basis calculated to ensure the fiscal solvency of the operation [of the Shelby County Fire Department] at all times.” Subsection (b) of that law further provides that the County Administration is “authorized and directed to make and publish reasonable rules and regulations covering the use by any individual, firm or corporation of any ... [fire protection and emergency medical services] furnished to users.”

The following rules of operation are set forth by the Mayor of Shelby County, Tennessee for the purposes of regulating the assessment of fire fees for Unimproved and Improved Properties located within Shelby County and served by the Shelby County Fire Department as set forth above. **Division 1** of these Rules and Regulations contains the Fire Fee Schedule for Unimproved and Improved Property located within Unincorporated Shelby County and the municipalities serviced within Shelby County. **Division 2** of these Rules and Regulations contains the information relative to billing, collection, and dispute resolution.

B. Definitions – For purposes of the Fire Fee Rules and Regulations, the following phrases shall have the meaning so designated:

1. Unimproved Property. For the purpose of assessing the fire fee pursuant to T.C.A. §5-16-109, and for no other purpose, Unimproved Property shall be defined as real property upon which there is not a live utility meter. This shall include vacant and uninhabited property as well as vacant land and real estate upon which there may be structures without utility service.
2. Improved Property. For the purpose of assessing the fire fee pursuant to T.C.A. §5-16-109, and for no other purpose, Improved Property shall be defined as real property upon which a structure with a live utility meter is situated. This shall include residential, commercial, church and agricultural properties where there is a live utility meter.

DIVISION 1

FIRE FEE SCHEDULE

A. Fee for fire services in Unincorporated Shelby County - Unimproved Property

Acreage Range (Start)	Acreage Range (End)	Proposed Monthly Rate (Per Acre)	Proposed Annual Rate (Start)	Proposed Annual Rate (End)
0	7	Min. Rate	\$22.00	\$22.00
8	10	\$0.25	\$24.00	\$30.00
10	20	\$0.25	\$30.00	\$60.00
20	30	\$0.25	\$60.00	\$90.00
30	40	\$0.25	\$90.00	\$120.00
40	50	\$0.25	\$120.00	\$150.00
50	100	\$0.25	\$150.00	\$300.00
100	116	\$0.25	\$300.00	\$348.00
117	+	Max. Rate	\$350.00	\$350.00

B. Monthly fee for services in Unincorporated Shelby County and Lakeland - Improved Property: Residential

Square Footage Range (Start)	Square Footage Range (End)	Fire & Ambulance Services (Unincorporated Shelby County)	Fire Services (Lakeland)
1	1000	\$20.73	\$17.23
1001	1500	\$29.43	\$25.93
1501	2000	\$31.83	\$28.33
2001	2500	\$34.23	\$30.73
2501	3000	\$36.63	\$33.13
3001	3500	\$39.03	\$35.53
3501	4000	\$41.43	\$37.93
4001	4500	\$43.83	\$40.33
4501	5000	\$46.23	\$42.73
5001	5500	\$48.63	\$45.13
5501	6000	\$51.03	\$47.53
6001	6500	\$53.43	\$49.93
6501	7000	\$55.83	\$52.33
7001	+	\$58.23	\$54.73

C. Fee for fire services in Unincorporated Shelby County and Lakeland - Improved Property: Commercial, Church, and Agricultural

- i. Commercial –
 - a) 5,000 sq. ft and below - \$65.80 per month
 - b) 5,000 sq. ft. and above - \$65.80 per month plus an additional \$1.00 for every additional 1,000 square feet
- ii. Church - \$35.25 per month
- iii. Agricultural - \$58.71 per month

D. Pro-rate share of FY 07-08 contract for ambulance services in Unincorporated Shelby County and serviced municipalities

Participant	Pro-Rata Share of FY 07-08 Ambulance Contract
Arlington	\$128,314.20
Collierville	\$424,645.20
Germantown	\$380,627.10
Lakeland	\$82,282.20
Millington	\$393,861.31
Shelby County	\$1,467,270.00
Contract Total	\$2,877,000.00

DIVISION 2

BILLING; COLLECTION; DISPUTE RESOLUTION

A. BILLING.

1. Frequency

- i. Unimproved Property: The annual fire fee is assessed on an annual basis and billed by direct mailing.
- ii. Improved Property: The annual fire fee is assessed on an annual basis and billed monthly as an addition to the utility services billing mailed from Memphis Light, Gas and Water Division.

2. Billing Date

- i. Unimproved Property: For fiscal year beginning July 1, 2007, the Billing Date shall be October 1, 2007. For subsequent fiscal years beginning July 1, 2008, the Billing Date shall be July 1.
- ii. Improved Property: For fiscal year beginning July 1, 2007, the Billing Date shall be the billing date set forth in the first monthly statement mailed to property owners by Memphis Light, Gas and Water Division after September 1, 2007 and in each subsequent monthly statement. For subsequent fiscal years beginning July 1, 2008, the Billing Date shall be July 1.

3. Due Date

- i. Unimproved Property: For fiscal year beginning July 1, 2007, the Due Date shall be November 30, 2007. For subsequent fiscal years beginning July 1, 2008, the Due Date shall be September 30.
- ii. Improved Property: The Due Date shall be the due date set forth in the first monthly statement mailed to property owners by Memphis Light, Gas and Water Division after September 1, 2007 and in each subsequent monthly statement.

4. Delinquent Payments

- i. Unimproved and Improved Property: The fire fee is considered delinquent if payment is not received within thirty (30) days from the Due Date.
- ii. If payment is delinquent, interest will be assessed at a rate of 1.5% per month and will accrue monthly from the original Due Date.

B. COLLECTION

1. At any time after payment becomes delinquent, Shelby County may file suit to recover the payment due together with any interest that has accrued and any costs of collection allowable by law.
2. If Shelby County obtains a judgment against a property owner, Shelby County may seek to satisfy said judgment by any means allowable by law.
3. All funds recovered by Shelby County shall be placed in the account designated for the fiscal solvency of the Shelby County Fire Department.

C. DISPUTE RESOLUTION

1. Complete Dispute Resolution Form
 - i. Unimproved Property: If amount due is in dispute, complete Dispute Resolution Form (“DR Form”) on back of billing statement. Any dispute regarding the amount of the assessed fire fee must be filed not later than sixty (60) days after the Billing Date. A copy of the DR Form can be obtained online at (website) or at one of two locations: the Fire Department Office at 1075 Mullins Station Rd. (901-379-7074), or the Shelby County Administration Building at 160 N. Main St., 8th Floor, Suite 801, (901-545-2745). Mail or deliver the completed DR Form to: Division of Public Works, 160 N. Main, Suite 801, Memphis, TN 38103.
 - ii. Improved Property: If amount due is in dispute, complete Dispute Resolution Form (“DR Form”) available online at (website) or at one of two locations: the Fire Department Office at 1075 Mullins Station Rd. (901-379-7074), or the Shelby County Administration Building at 160 N. Main St., 8th Floor, Suite 801, (901-545-2745) not later than sixty (60) days from Billing Date. Mail or deliver the completed DR Form to: Division of Public Works, 160 N. Main, Suite 801, Memphis, TN 38103.
2. Administrative Decision
 - i. The Fire Fee Dispute Resolution Committee (DRC) will make an administrative decision on all DR Forms timely submitted. Written results of the DRC’s decision will be mailed to the property owner within thirty (30) days from the date the DR Form is received together with a copy of the Appeal Form.
3. Appeal From Administrative Decision
 - i. Unimproved and Improved Property: If administrative decision is in dispute, complete Appeal Form provided with written results of DRC’s administrative decision within thirty (30) days from date of written results. Mail or deliver the Appeal Form to: Division of Public Works, 160 N. Main, Suite 801, Memphis, TN 38103.

- ii. The DRC will set a hearing within thirty (30) days from the date the Appeal Form is received and will send written notice of the Hearing Date to the property owner at least ten (10) days before the Hearing Date. The DRC may, within its discretion, render a final decision at the hearing or may elect to mail a written decision to the property owner within a period not to exceed sixty (60) days from the Hearing Date.

4. Final Decision

- i. The DRC's decision following the hearing on the Appeal Form is administratively final.
- ii. The property owner has a right to appeal the DRC's final administrative decision to any court allowable by law.

5. Dispute Resolution Committee ("DRC")

- i. The DRC shall be composed of five (5) members who shall be appointed by the Public Works Director and who shall be chosen from the following County Offices – Engineering, Fire Department, Trustee's Office, Assessor's Office and Public Works Division.
- ii. The DRC members shall serve terms of three (3) years and may be re-appointed subject to term limit requirements as may be required by the Shelby County Board of Commissioners. The initial members of the DRC shall serve staggered terms: one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years.
- iii. A quorum of the DRC is necessary to conduct business of the committee and shall be three (3) members.

Effective 09/01/07

**SHELBY COUNTY
FIRE FEE DISPUTE RESOLUTION FORM**

Name:

Mailing Address:

Property Address (if different from Mailing Address):

Home Phone _____ Business Phone _____ Cell Phone _____

Reason for your complaint / dispute:

X _____
Signature

Date: _____